REMARKS

By this Reply, claims 1, 12, and 23 have been amended. In view of the remarks set forth below, Applicant requests the prompt re-examination and allowance of this application.

Interview Summary

Applicant would like to thank Examiner Gyorfi for the courtesy extended during the telephonic interview on May 8, 2007 between Examiner Gyorfi and James Stein. During the interview, the Examiner related that the crossed-out patent documents listed on the Information Disclosure Statement of April 2, 2004 were not initialed because they did not appear in the Examiner's keyword searches applied to the documents in the list. For this reason, the Examiner asserts that these documents are not material to patentability and should not have been submitted for consideration. The Examiner agreed to consider any remarks submitted by Applicant regarding the Information Disclosure Statement and the documents that have yet to be initialed by the Examiner.

Information Disclosure Statement

In the Office Action of February 9, 2007 ("Office Action"), the Examiner selected only a portion of the documents submitted on the Information Disclosure Statement of April 2, 2004 for consideration, and initialed only those documents on the corresponding PTO SB/08 Forms. The remaining documents were crossed out. Further, the Examiner encouraged Applicant to submit a new Information Disclosure Statement listing only the documents which Applicant deems material to patentability, and to call the Examiner's

attention to particular passages and/or figures which may be of significance. Office

Action at 2 and 3. Applicant submits that this practice is not in accordance with the

current rules and guidelines for examination. In particular, the Examiner has not

indicated how the Information Disclosure Statement is not in compliance with 37

C.F.R. §§ 1.56 and 1.98 other than to indicate that in the Examiner's opinion the cited

documents are not material to patentability of the claims. The Examiner has not pointed

to any authority that sanctions refusal to consider a properly submitted Information

Disclosure Statement.

Applicant notes that under the current rules and guidelines for examination, the

Examiner is required to consider and initial all references provided in compliance with

37 C.F.R. §§ 1.56 and 1.98. The MPEP states at § 609 that "[o]nce the minimum

requirements for 37 C.F.R. §§ 1.97 and 1.98 are met, the examiner has an obligation to

consider the information. There is no requirement that the information must be prior art

references in order to be considered by the examiner." Applicant submits that is has

met the formal requirements of 37 C.F.R. §§ 1.97 and 1.98, and the Examiner has not

pointed out any reason why Applicant has not.

Applicant notes that 37 C.F.R. § 1.56 describes what information Applicant has a

duty to disclose, i.e., information material to patentability. However, 37 C.F.R. § 1.56

does not prevent Applicant from submitting all information Applicant believes the

Examiner should consider. In fact, the MPEP explicitly guides Applicant to submit much

more than simply the information that it deems to be material. MPEP § 2001.04 states:

> [p]resumably, applicants will continue to submit information
> for consideration by the Office in applications rather than
> making and relying on their own determinations of
> materiality. (Emphasis added).

In discussing the materiality standard of 37 C.F.R. § 1.56, MPEP § 2001.05 states that

> it is theoretically possible for applicants to draft claims and a
> specification to avoid a prima facie case of obviousness over
> a reference and then to be able to withhold the reference
> from the examiner. The Office believes that most applicants
> will wish to submit the information, however, even though
> they may not be required to do so, to strengthen the patent
> and avoid the risks of an incorrect judgment on their part on
> materiality or that it may be held that there was an intent to
> deceive the Office.

The Information Disclosure Statement complies with both 37 C.F.R. § 1.98 and

37 C.F.R. § 1.56 and further adheres to the guidelines set forth in the MPEP. The

documents listed in the Information Disclosure Statement of April 2, 2004 were

submitted in order to fulfill Applicant's duty to bring to the Examiner's attention any

references of which Applicant is aware that may be material to patentability. Applicant

notes that identical Information Disclosure Statements were also submitted in related

Patent Application Serial Nos. 10/646,684, 10/646,716, 10/646,809, and 10/646,685.

Of the applications that have been examined (10/646,809 and 10/646,685), the

documents listed in the Information Disclosure Statements thereof have been

considered and initialed by the respective Examiner.

Moreover, the Examiner has indicated that he has considered the documents

that remain to be initialed to the extent necessary to form his opinion that they are not

sufficiently related to the claimed subject matter to be particularly pertinent. Office

Action at 2. As such, Applicant respectfully requests that the Examiner initial <u>each</u> of

the listed references submitted in the Information Disclosure Statement of April 2, 2004

that the Examiner considered in making a determination of materiality.

In the telephonic interview of May 8, 2007, the Examiner indicated that the

crossed-out patent documents listed on the Information Disclosure Statement of April 2,

2004 were not initialed because they did not appear in the Examiner's keyword

searches applied to the listed documents. For this reason, the Examiner asserts that

these documents are irrelevant and should not have been submitted for consideration.

However, Applicant notes that a patent applicant is entitled to be his or her own

lexicographer. Therefore, Applicant submits that the presence or absence of a

particular keyword or keywords should not be the sole basis for a determination of

materiality. That is, a reference may be relevant although it uses unconventional

wording to describe a particular type of technology. Additionally, Applicant notes that

errors such as spelling and typographical and translation errors might affect the

presence or absence of a particular keyword searched for by the Examiner. For these

additional reasons, Applicant respectfully requests that the Examiner initial each of the

listed references submitted in the Information Disclosure Statement of April 2, 2004.

Section 102 rejection

In the Office Action claims 1-7, 10-18, and 21-23 were rejected under 35 U.S.C.

§ 102(b) as anticipated by U.S. Patent No. 6,052,788 to Wesinger, Jr. et al.

("Wesinger"). Applicant respectfully traverses this rejection. A proper anticipation

rejection requires each and every element set forth in the claim to be found in a single

prior art reference and arranged as required by the claim. See MPEP § 2131. The

anticipation rejection set forth in the Office Action cannot be maintained. In particular,

every limitation recited in the amended claims is not disclosed by Wesinger.

Independent claim 1, as amended, recites a system for managing

communications between one or more on-board modules comprising, among other

things:

> a communication application that uses a translation table stored in the gateway for converting information from a first communication protocol format to a second communication protocol format ... [determining] ... whether a message received from the first off-board module includes a parameter identifier corresponding to one of a number of parameter identifiers included in the translation table, and denies access to the proprietary information based on at least one of (i) a determination that the parameter identifier in the data message does not correspond to one of the number of parameter identifiers in the translation table.

Firstly, Wesinger does not disclose nor suggest using a translation table stored in

the gateway to "[convert] information from a first communication protocol format to a

second communication protocol format," as required by claim 1. Wesinger discloses a

firewall system that increases security measures by establishing an envoy to qualify

users and/or messages attempting to communicate with hosts protected by the firewall.

The envoys are subjected to a myriad of tests to qualify the users and/or the messages.

Wesinger, Abstract; col. 3, ll. 57-66. The firewall of Wesinger includes DNS tables used

to translate host names to IP addresses and IP addresses to host names (e.g.,

homer.odyssey.com to 129.186.424.43) to provide transparency between remote hosts.

Wesinger, col. 7, ll. 46-53; col. 10, ll. 3-20. However, Wesinger does not convert the

messages from "a first communication protocol format to a second communication

protocol format." A communication protocol is a set of rules governing the exchange of

messages between computers. Applicant's specification discloses translation of

messages between communication protocols, such as, for example, CDL, J1939, MODBUS, ISO11783, ATA, etc. Specification at page 24. In contrast, the DNS tables of Wesinger are used only to map host names to IP addresses, and vice versa. Wesinger, col. 7, ll. 46-53; col. 10, ll. 3-20. Wesinger does not disclose nor suggest that values in the DNS tables are used to convert messages or requests "from a first communication protocol to a second communication protocol," as required by claim1.

Secondly, Wesinger does not disclose nor suggest "[determining] whether a message received from the first off-board module includes a parameter identifier corresponding to one of a number of parameter identifiers included in the translation table, and denies access to the proprietary information based on at least one of (i) a determination that the parameter identifier in the data message does not correspond to one of the number of parameter identifiers in the translation table." In contrast, Wesinger teaches that each virtual host has a separate configuration file that is derived from a master configuration file, or database, 510. Wesinger, col. 14, ll., 9-11. Fig. 7 shows an example of a master configuration file. "Allow" and "deny" access rules included in the configuration file define when access is allowed to occur and which users are authorized to access a virtual host. Wesinger, col. 14, l. 5 - col. 15, l. 20. Based on the Examiner's interpretation of claim 1 and the Wesinger reference, to which Applicant does not subscribe, the firewall of Wesinger must deny access to the proprietary information based on "a determination that the parameter identifier in the data does not correspond to one of the parameter identifiers" *in the DNS tables.* However, as discussed above, Wesinger denies or grants access based on the "allow" and "deny" rules *included in the configuration file, and not the DNS tables.*

Because <u>Wesinger</u> does not disclose nor suggest each and every limitation recited in claim 1, <u>Wesinger</u> cannot anticipate the claim. Therefore, Applicant requests the withdrawal of the section 102 rejection and the timely allowance of this claim. Further, since claims 2-7, 10, and 11 depend directly or indirectly from claim 1, Applicant also respectfully requests the withdrawal of the section 102 rejection and the timely allowance of these claims.

Independent claims 12 and 23, although slightly different in scope, recite similar limitations to those of claim 1. Specifically, claims 12 and 23 recite, among other things, a method for managing communications in an environment comprising: "... converting the request from a first communication protocol format to a second communication protocol format compatible with the destination device ..." As discussed above, the DNS tables of <u>Wesinger</u> are used only to map host names to IP addresses, and vice versa. <u>Wesinger</u>, col. 7, ll. 46-53; col. 10, ll. 3-20. <u>Wesinger</u> does not teach that values found in the tables are used to convert messages "from a first communication protocol to a second communication protocol compatible with the destination device," as required by claims 12 and 23.

Because <u>Wesinger</u> does not disclose nor suggest each and every limitation recited in claims 12 and 23, <u>Wesinger</u> cannot anticipate these claims. Therefore, Applicant requests the withdrawal of the section 102 rejection and the timely allowance of claims 12 and 23. Since claims 13-16, 18, and 21 depend from claim 12, Applicant also respectfully requests the withdrawal of the section 102 rejection and the timely allowance of these claims.

Section 103 rejection

Claims 8, 9, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Wesinger, and further in view of U.S. Patent No. 6,778,837 to Bade et al. ("Bade"). Applicant respectfully traverses this rejection for the reasons delow.

As discussed above, Wesinger does not disclose nor suggest each and every limitation of independent claims 1, 12, and 23. Further, Bade does not remedy the deficiencies of Wesinger. Bade discloses a system that grants or denies access to a mobile electronic device (e.g., cell phone) as it moves from location to location, depending on predefined parameters set by a user and the location of the mobile device at the time access is requested. This feature is used to prevent unauthorized access of the mobile device in locations where legitimate access is not likely to occur, such as in the case of theft or misplacement of the mobile device. Bade, col. 3, II. 56-61. However, Bade does not disclose nor suggest the limitations discussed above in connection with independent claims 1, 12, and 23. Since claims 8, 9, 19 and 20 depend directly or indirectly from claims 1 or 12, claims 8, 9, 19, and 20 define over Wesinger and Bade for the same reasons. Applicant respectfully requests the withdrawal of the section 103 rejection and the timely allowance of these claims.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.
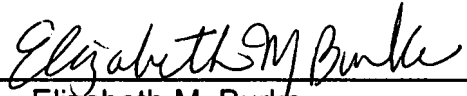
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Dated: May 9, 2007

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